

Remarks

Favorable reconsideration of this application in view of the amendments to the claims and the remarks below is respectfully requested.

There are currently 17 claims in this application. Claims 1 and 11 have been amended by this response. Basis for the amendment is found in the specification in paragraph [0017]

Rejections under 35 U.S.C. § 102

Claims 1 and 8 are rejected under 35 USC 102(b) as being anticipated by Benderev '745. The basis of the rejection is that Benderev discloses a shaft, a pressure sensitive element and a feedback element, thus anticipating the instant claimed invention. This rejection is respectfully traversed.

Both the instant claimed invention and the device disclosed in Benderev relate to pelvic muscle devices. However, the devices are not the same. The primary difference between the two is the role of the "pressure sensitive element". In the instant invention, the "pressure sensitive element" generates a feedback signal when the person using the device manages to constrict the pelvic muscles sufficiently to generate the signal. The element is responsive to pressure applied to it. In contrast, the pressure sensitive element of Benderev generates pressure in the anatomical passageway where the device is inserted ('745, col 2, lines 60-63). Thus it is a pressure-exerting member ('745, col 4, lines 51-52). Since Benderev does not disclose or suggest a device that responds to pressure applied to it, it does not anticipate the instant invention.

In order to facilitate consideration of this invention, applicant have amended Claim 1 to more particularly point out and claim the pressure sensitive element of the instant invention. Reconsideration is respectfully requested.

Claims 1-5 and 8-17 are rejected under 35 USC 102(b) as being anticipated by Benderev '467. The basis of the rejection is that Benderev discloses a shaft, a pressure sensitive element and a feedback element. This rejection is respectfully traversed.

The Benderev '467 reference discloses the same type of pressure sensitive element as discussed above with reference to the Benderev '745 patent. Accordingly, reconsideration is respectfully requested in view of the remarks above, applied to this reference.

Rejection under 35 USC 103(a)

Claims 6 and 7 are rejected under 35 USC 103(a) as being unpatentable over Benderev '467 as applied to claims 1 above, and further in view of Leiveth. The basis of the rejection is that Benderev discloses all of the limitations of the claimed invention except for a sleeve being replaceable and disposable and Leiveth teaches a replaceable and disposable sleeve. This rejection is respectfully traversed.

It is the Applicant's position that Benderev does not disclose all of the limitations of the claimed invention except for a sleeve being replaceable and disposable, as discussed above. Accordingly even with the benefit of the teaching of Leiveth, one of ordinary skill in the art would not arrive at the instant claimed invention. Reconsideration is respectfully requested.

Should the Examiner believe that a telephone call to the undersigned would favorably advance the prosecution of this application or narrow any outstanding issues, she is respectfully invited to call at the telephone number indicated below.

Respectfully Submitted,



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